

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
August 22nd, 2022**

COUNCIL MEMBERS PRESENT:

Joseph Knowles, Council President
Edward Kisselback, Council Vice President
Joseph Pilieri, Council Secretary
Michelle Benitez, Council Member
Stacey Champion, Council Member

SUPPORTING STAFF PRESENT:

Mayor Joseph DiGirolamo
Debora McBreen, Council Clerk/Recording Secretary
Joseph Pizzo, Township Solicitor
Phil Wursta, Township Engineer/Traffic Engineer

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of their microphone.

1. PLEDGE OF ALLEGIANCE:

Solicitor Pizzo indicated Council met in an Executive Session immediately prior to this evening’s meeting for approximately 75 minutes. Present for the Executive Session were the Mayor, five members of Council, the Township Engineer and Solicitor Pizzo. Discussed were several matters of pending litigation and one matter of potential litigation. No official action was taken during the Executive Session, no official action will be required this evening as part of that Executive Session.

Council President Knowles opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

ACKNOWLEDGEMENT OF A HEROIC ACTION:

Council President Knowles indicated, one of our residents, Christine King, and he stated it was a very heartwarming story when he heard it on Action News, was involved in a domestic situation involving a 35-year-old man from Bristol Township and the baby’s mother, They got into an argument and the man threatened to throw the baby off the overpass. A complete stranger stopped

to help rescue the baby from the situation and that stranger, who we are very proud of, is our very own Bensalem resident, Mrs. Christine King.

The Mayor read the headlines from the report which stated, “Bensalem Woman Helps Save Bristol Man’s Baby in Philadelphia.” **The Mayor** presented Mrs. King with an accommodation for her heroic actions and asked Mrs. King to say a few words.

Mrs. King opened up her statement with these words: “to God be all the praise and to God be all the glory.” Mrs. King indicated when she entered onto I-95 that morning, traffic was heavier than usual. Traveling along, she noticed a man on the shoulder of the road in an altercation with a woman and that is when she saw the baby in his right arm and he dangled the baby over the rail. Mrs. King pulled over, got out of the car and approached Raheem Murphy, who had a gun and threatened to shoot Mrs. King if she came any closer. The baby’s mother was able to get the gun out of Murphy’s pocket and they both tried to talk to him to release the baby. Mrs. King expressed that she is the mother of five children and the Aunt of many nieces and nephews and couldn’t just pass what she had witnessed happening along the shoulder of I-95.

2. **PUBLIC COMMENT:**

Council President Knowles indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward, the first of two Public Comments was closed.

3. **APPROVAL OF COUNCIL MINUTES:**

Councilwoman Benitez motioned to approve the Council Minutes dated August 8th, 2022, **Councilwoman Champion** seconded and the motion carried 5-0.

Council Secretary Pilieri indicated he would like to make a motion to move agenda item #12 up to number 3A to allow Johnson Development to give their presentation, and to show Council what they have been doing regarding the road issue. Also, give them the opportunity to show what they’re doing before Council votes on changing zoning and so forth.

Council Vice President Kisselback seconded. **Solicitor Pizzo** indicated to President Knowles that before he called the motion he had spoken to counsel for Johnsons Development immediately before the meeting. He believes their intention to make a presentation will be dictated to some extent, by Council’s actions on agenda items 7 through 10, involving the condemnations for Renaissance Boulevard. Solicitor Pizzo indicated Solicitor Meginniss is present and perhaps Council would like to hear from him on whether they want to be moved forward.

Mr. Mike Meginniss, with Begley Carlin, indicated Mr. Pizzo is correct in that they spoke a few moments ago and according to their understanding, based upon the order of the agenda, is that the condemnation proceedings are going to be discussed which would affect their property. The outcome of the vote on that condemnation would dictate whether they would like to proceed with the actual development presentation. They would like the opportunity to address Council and discuss their project and the pending condemnation, which they believe can be done in conjunction with the condemnation presentation. Mr. Meginniss would like the opportunity to address Council and discuss their project and the pending condemnation but believes they can do that in conjunction with the condemnation presentation.

4. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING THE TOWNSHIP ZONING ORDINANCE PART II, CHAPTER 232 OF THE TOWNSHIP CODE, TO AMEND ARTICLE V, RESIDENTIAL DISTRICT, DIVISION 12, R-55 RIVERFRONT REVITALIZATION DISTRICT, SECTIONS 232-271, USE REGULATIONS:**

Solicitor Pizzo indicated that the ordinance before Council this evening was authorized for advertisement at the Council meeting of July 11th, 2022. The ordinance proposes a text amendment to the Township's Zoning Ordinance that would revise, and in most cases, omit a variety of currently permitted uses in the R-55 Riverfront Revitalization District. The text amendment has been advertised in the Bucks County Courier Times, it has been presented to the County Planning Commission and the Township Planning Commission, both of whom gave favorable recommendations to the proposed ordinance.

If adopted, the use regulations in the R-55 Riverfront Revitalization District would be amended to continue to allow R-11 and R-33 residential uses. This would continue to allow the following uses in that district: recreational facilities as set forth in that ordinance, special citizen housing, business professional, planned commercial, college and university, precision manufacturing, laundry and dry cleaning and similar types of facilities, accessory uses pertinent to those uses as part of the ordinance.

The ordinance, as proposed, would eliminate a variety of light manufacturing uses as are currently defined in subsection 9 of the use regulations of the ordinance. It would eliminate milk, soft drink and other premixed non-alcoholic beverage manufacturing, bottling or distribution, it would eliminate wholesale business facilities, eliminate warehousing and storage and enclosed buildings for retail, manufacturing, wholesale or distribution businesses. It would eliminate the manufacturing of electrical appliances and supplies. Eliminate light metal processing such as finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing and heat treatment. Eliminate the bulk processing of wood and lumber, not including pulp and fiber reduction from the district, and would allow a variety of heavy industrial uses that are currently limited to facilities of 50,000 square feet. This would include the packing of food, packing of food processing, metal product treatment and processing such as lacquering and electroplating, the manufacturing of machine and hand tools and electrical equipment and motors, as well as the manufacture of rubber and synthetic rubber products. These are the proposed amendments to the ordinance.

The proposed amendment is being recommended to Council as part of the Townships ongoing efforts in the terms of the Riverfront Revitalization. Having been discussed publicly going back to when the R-55 district was first created in the better part of 20 years ago consistent with the Bucks County Riverfront study that was done at that time. Consistent with the University of Penn study of the Township waterfront that was done at that time. Consistent with the Township's involvement and condemnation of the old Atticam site, which was subsequently part of a State, County and Township cleanup. That lead to the approval and now development of the Waterside development on State Road.

In furtherance of the Township's approval of the land development project at State and Street Roads. In furtherance of the Township's adoption of its 2018 Regulating Code, and official map for the River Renaissance District that were adopted in December of 2015. All of those actions that have taken place over the better part of 20 years, this would be another step in the Township's

plans to see that the R-55 zone transition from what was strictly heavy industrial, to the uses the Solicitor just read as part of the ordinance earlier in his presentation.

The ordinance has been properly advertised, it has been properly reviewed by the County and Township Planning Commission and is in a form acceptable for Council's consideration and discussion this evening.

Council President Knowles asked if there were anyone in the audience who would like to speak for or against this project.

PUBLIC COMMENT AGENDA ITEM #4:

Andrew Stoll, Fox Rothchild, representing various property owners along State Road in the R-55 District. Mr. Stoll indicated the owners he represented disagreed with the proposed amendment of the R-55 Ordinance.

John Grossi, indicated how he was involved with the R-55 Ordinance 17 years ago and at that time Mr. Grossi told the Mayor he would work with the Township to redevelop and zone that district properly. Mr. Grossi indicated he did not agree with the proposed amendment of the R-55 Ordinance.

Brian Seidel, Land Planner, indicated he looked at the comprehensive plan for the Township which showed the area as being almost entirely industrial. Mr. Seidel believes the proposed ordinance is encouraging blight and create non-existing conforming uses.

James Calamia, with Faropoint, indicated they are the acquirer and operator of the industrial real estate, and the organization purchased 3041 Marwin Road which is included in the R-55 zoning designation. This is a property where the previous owner was either unwilling or unable to improve the property. Faropoint has a vision of making significant investments to the site and have developed a capital improvement plan. Mr. Calamia is concerned that the implications of the ordinance, and the uses and potential restrictions, could really inhibit their ability to fulfill their vision of improving the site which may have been an eyesore to some people.

Michael LaCouture, owner and founder of The Broken Goblet brewing company, and who is a tenant of Mr. Grossi, indicated he received a map flippantly from an unknown source showing roadways that are going to go through the property and create parcels. The road, according to this map, goes right through The Broken Goblet parking lot. Mr. LaCouture indicated he has suffered for 5 years since he signed his lease in 2017, and still has no parking lots, he floods, doesn't have the permits done yet, and explained he is a victim in this whole "thing."

Solicitor Pizzo wanted to make it clear it is not the Township's fault he does not have his permits but it is his landlord who is at fault.

Mr. LaCouture feels there should be more of a conversation with the property owners before Council considers the amending of the R-55 Ordinance.

Richard Wells, Archer and Griner represents the property owner located at 2901 Samuel Drive. Mr. Wells agreed with the procedural and substantive challenges that the previous speakers touched on. Mr. Wells indicated these buildings are "purpose built" to suit a number of subsets

of end users, whose businesses are now being eliminated from this district. Mr. Wells asked Council to consider alternatives that attract the desired uses into this district, rather than prohibiting existing ones.

Manuel Avino, 2919 Samuel Drive, asked how the Township was going to get rid of the buildings and turn it into a residential area.

Solicitor Pizzo indicated there seems to be a concept shared throughout the business community that this is being driven to turn the entire R-55 district residential, and that is simply not the case. To the extent someone has told Mr. Avino that the property along the train tracks is the Township's vision to suddenly be single-family housing, has never been the Township's vision. This ordinance isn't intended to make that the case. The change in the Zoning Ordinance has been done previously in this district, and it will allow the uses that are there to continue. The Township hopes this will spur a gradual change in use, but a change in use to continue to move the R-55 District from what it was in 2005, 17 years ago, an entirely industrial area into an area that will be. Mr. Pizzo read among the various uses that are permitted in that area, one that will have residential, along with commercial, to support the residential places like the Broken Goblet, also with stores and restaurants, supermarkets and retail shops, and those kinds of facilities to support them, as well as with the businesses that are talked about in the ordinance. Less heavy manufacturing and more precision manufacturing and/or research and development.

The Mayor asked if Mark Kaplan was in the audience. Mr. Kaplan acknowledged the Mayor. The Mayor indicated Mr. Kaplan was on the other side tonight but Mr. Kaplan represents the Mayor's property in Buckingham. Sixty acres, which is industrial, and the Mayor hasn't be able to do anything with for 20 years. The Mayor indicated he understands what the concerns are, for anybody that thinks the Township was building any kind of homes along the railroad tracks, does not make sense. The Mayor wants to try to make this work for everybody. The Mayor indicated he doesn't have a dream, but a vision. Riverfronts, all over the world, are changing, from industrial to shipping. Bensalem shouldn't be left out. If you go to Bristol, the Mill Street area is beautiful, and that is what people want. There is a Marina along the river, then it extends out to mixed uses. The Mayor visions high tech companies located in the R-55 District area. The vision the Township has and how to get there will require the Township to start to make some changes. The Township has to give the opportunity to people, that they will be welcome here and they can work with the Township. There is not a person present this evening, on this board, that would want to hurt a business. "We need to work together."

Mark Kaplan, Solicitor, suggested a "similar use provision" and indicated that all the ordinances he has ever seen state that if you have a non-conforming use such as a clock manufacturer in 12,000 sq. ft., and that clock manufacturer leaves, unless it is another clock manufacturer they cannot go back into that space. Mr. Kaplan indicated you can change an existing non-conforming use for another use of the same category, and indicated that is what the proposed ordinance is missing. If it had that provision, those people present today would not be as concerned.

Council President Knowles asked the Township Solicitor if it was in our Zoning if the Township could do a similar manufacturer.

Solicitor Pizzo indicated he had not gone through the Zoning ordinance by chapter and verse prior to this evening. The Township's Zoning Ordinance does provide for it, and certainly that is the way it has been enforced, both by the current Zoning officer, and the one who immediately

proceeded him. If Mr. Kaplan is correct and the Township's Zoning ordinance lacks the kind of provision of which he speaks, it would apply to not only this re-zoning, but essentially every re-zoning the Township has done at any point of time. Based on what Mr. Kaplan has said this evening, the Township Solicitor will get together with the Township Zoning Officer and take a look at it. As it was said at the outset, the Township's intention now, as it was in 2005, that no one raised this issue in 2005. The Zoning Ordinance was essentially the same insofar as its general provisions go then, as it is today. If it was an issue then, it should be an issue now, if it wasn't an issue then the Township Solicitor questions if it is an issue now. Regardless, if it is a facet that the Township ordinance either doesn't contain or doesn't state clearly, it is something the Township can fix independently of whether Council approves the ordinance this evening or not. Again, it would apply to all re-zonings in the Township as to what extent an existing use would be a non-conforming use post re-zoning, and what rights or privileges that non-conforming use enjoys. It is something the Township will take a look at because the Solicitor doesn't believe it is anyone's intention that the uses that are there now, or uses similar to them shouldn't continue.

Christopher Steward, affiliated with Wood and Fløge, represents the property owners located at 2969 Samuel Drive and Mr. Howard Weiss owner of 2944 Samuel Drive was in attendance. Samuel Drive is an industrial development of 8 buildings and indicated the trucks coming off of I-95 make a right into the industrial area then a right again onto Samuel Drive, keeping truck traffic to a limit through Bensalem. These businesses are a significant value to the Township. His client, Mr. Weiss, is more than happy to speak with and work with the Township to keep the businesses thriving, but also, work towards a goal of having more residential along the waterfront.

Mr. Weiss indicated he has been at the location of 2944 Samuel Drive for over 30 years. Business is changing all the time. What has started with processors 30 years ago, many of them have changed. They have survived in business because they have been able to change. Doesn't believe the ordinance proposed this evening is a good idea.

Tripp Bailey, Johnson Development, indicated his team has been working closely with John Grossi to come up with a solution to provide land for the road which is a huge priority for the Township. They are proposing a Warehouse Distribution Center and will also help fund a future road to help alleviate some of the truck traffic issues that are currently on State Road. New projects, like the one this applicant is proposing, should be the transition between the waterfront and the historical industrial uses that all of the property owners here this evening are hoping will remain along the rail corridor and along the I-95 corridor.

The Mayor asked Mr. Bailey to be clear on his statement regarding John Grossi. The last thing the Mayor knew was that Johnsons Development and John Grossi were not working together. Mr. Bailey indicated that was correct. Mr. Grossi had a contract buyer who Johnson Development was working with, then the contract buyer "fell out", and Johnson Development has been working with John Grossi directly. The Mayor indicated he was not aware of the communication between Johnson Development and John Grossi.

Mr. Bailey indicated, their proposal would be to donate land to accommodate the road which the Township has stated is a top priority. In conjunction with their proposed development, the applicant will escrow 5 million dollars to go towards the future construction of that road. If the Township decides to move forward on the rezoning, regarding the condemnations, Mr. Bailey's only option is to pursue the damages that those decisions would create on the property. There

would be no opportunity to fund the proposed road and they will seek full compensation for the condemnation and the damages. Mr. Bailey indicated he was getting ahead of himself, regarding the agenda item, and this is not exactly what is being discussed right now, but all of these items are interrelated.

The Mayor indicated, for the record, going back a few years there was a plan submitted by Johnson Development with the road going through, as the Township had planned, and on this plan were two warehouses.

Mark Roth, McMahon Associates, Traffic Consultants for Johnson Development, indicated there is no reason why the proposed road that Johnson Development created can be used. The goal of the roadway, shown in red as proposed by the Township, would connect from point A to point B. The green road, proposed by Johnson Development, still connects from point A to point B, it interconnects the properties but is more of a winding road as indicated on the map.

Jeff Coltrin, is an Officer with the Yellow Corporation, the parent company to YRC Freight, and has been located at that facility since 1969. Based on what Mr. Coltrin heard this evening, it would be very limiting to them if they ever choose to develop it, lease it or sell it, for it would limit them to do so properly. Asked Council to give some time to work on the proposed ordinance together.

Joseph Bennett, owner of 654 Street Road which houses 2 tenants. Would like the zoning to remain the same in this location. "Grandfathering" is a nice term, but becomes difficult to prove that they are a similar usage as what is presently in the building.

Jim Scott, with Avis and Young, here on behalf of a number of clients with buildings, as well as perspective tenants. Believes the market is saying something about the demand of what is being proposed that it might not be there. Mr. Scott is questioning why the elimination of the industrial uses is needed.

Solicitor Pizzo indicated, in those same 17 years no uses have gone on the undeveloped land at least in terms of a shovel actually being put in dirt. A good number of those acres, particularly, The Grupp, Four Paw and the Columbus Country Club property was approved for a mixed use residential commercial development called, "The Landings." Before they got the shovel into dirt, the housing economy went in the tank back in the 2000's and the project never got off the ground. As to the property Mr. Bailey made a proposal on, the Township has never had a proposal for anything on there other than parking trucks. The property next to it, nothing other than parking trucks. Mr. Pizzo indicated he doesn't know the last 17 years are an indication of anything. To the extent that it is time for the next step in the evolution, and that is where the Township believes we are at the moment.

Mr. Scott indicated he believes this evolution is what is going to create a detriment to the property owners.

Steve Gansky, is the property owner of 777 American Drive located on the water. They have had 2 different tenants in their building, and believes if the Ordinance passes he will not be able to do anything with his property, and it would be a huge financial hit for him.

Gerald Ziff, of Ziff Real Estate Company, owner of the building at 3161 State Road. Consisting of 186,000 sq. ft. divided into 15 different units. They are all basically “Mom & Pop” businesses. Once in a while they will get a big company who will put in a small branch. Typically, Mr. Ziff leases his units for one, two or three years. Once the Township takes away the by-right uses they are “dead”, and won’t be able to rent the spaces again

Seeing no one else come forward, the public comment portion was closed.

Council Secretary Pilieri indicated Bensalem is business friendly. The vision for the riverfront is a fantastic vision. Council did not give the property owners in the R-55 District the opportunity for feedback, until this evening. If the Township is going to do this right, they have to market the riverfront, and work together as a team. As a Council, Mr. Pilieri would like to see a sub-committee put together to work on this and talk to the people in Echo Beach, Cornwells Heights and Waterside. There is no reason why this can’t work for the benefit for everyone.

President Knowles called for a 10-minute recess.

Council President Knowles indicated, in consideration of some of the issues that came up this evening, regarding some of the concerns with the businesses. He will put a motion on the floor to Table the Proposed R-55 Ordinance.

Solicitor Pizzo indicated during the course of comments on the proposed Ordinance, that Council has heard a number of comments and some suggestions as well, both as to the proposed changes in the use regulations themselves, as well as Mr. Kaplan’s comments regarding the non-presences of a “similar use” provision in the Township’s Ordinance. The Township Solicitor would like to review it with the Township Zoning Officer. If they should conclude something is lacking in the Township Ordinance, or it is not as clear as it otherwise might be, concerning the Township’s Zoning Ordinance. The Township may want to move forward with revisions to the Zoning Ordinance to make sure that the similar uses are protected in the way the Township currently believes they are.

The Township believes the ordinance was properly advertised and properly handled by the respective Planning Commission, which is not an issue.

Having heard comments from the various business owners this evening, it will give the Administration an opportunity to revisit the proposed Ordinance to see if all of the items that are in there are currently items that Council may want to see continued in the ordinance when Council revisits the ordinance a month from now. It will also afford an opportunity to have further discussions with some of those business owners to the extent they’ve raised some questions and perhaps the Township can give them some clarity as to what is happening and why, because candidly the Solicitor did hear some misinformation out there this evening in the comments as to what people believe is happening or what the ultimate effect of this ordinance should be. Those should all be the reasons the Township is otherwise going to take the ordinance and table consideration of it for that additional 30 days to give the Township the opportunity to address all of those items.

Council Vice President Kisselback indicated, if anyone would like to set-up an appointment to talk to the Mayor regarding the ordinance, please do so as you have 30 days to register your thoughts and/or suggestions before the Council meeting date of September 27th.

Councilwoman Champion motioned to table Agenda Item 4 to a date certain of September 27th, **Council Vice President Kisselback** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING CHAPTER 80 – “DOGS AND OTHER ANIMALS”, TO ADD ARTICLE III – “CATS,” SECTIONS 18 THROUGH 22:**

Solicitor Pizzo indicated the Ordinance was properly advertised in the Bucks County Courier Times, as it is not a Zoning Ordinance, it is not necessary for it to be reviewed by either the Planning Commission or the County Planning Commission. The Ordinance was proposed by individuals in the community who run an animal shelter and are very active in the care and treatment of feral cats.

Sandy Rogers, 3274 Oakford Road, Trevoise, indicated the Bridge Clinic has provided hundreds of Bensalem feral cats with TNR (Trap, Neuter, Return). Services are at no cost to Bensalem Township. They also provide medical and dental care, again, at no cost to the Township. Additionally, as these animals come in, they try to assess them for the possibility for adoption through the Rescue Purrfect Organization. Overpopulation of cats and kittens is an enormous problem in Bensalem. The main source of the situation comes from apartment complexes and mobile home parks. These complexes allow the tenants to bring the animals without record of vaccination or spade. The tenants move out without taking their cat with them, therefore, the number of cats increases five times each year. The hardship and the burden always seem to fall on the residents of Bensalem. Mrs. Rogers indicated she would like to see the management of these facilities accountable and responsible for the neglect and lack of policy concerning this issue.

Council President Knowles asked if the group that is put in charge of the feral colony, if it is always one organization or can any organization get involved.

Mrs. Rogers indicated the Bridge Clinic and Rescue Purrfect are really the only two organizations that are involved with this process. They collected 500 cats from Core Creek Park, they were spade, neutered, and they were housed and fed until they caught every cat in the park. Once that was completed, 200 were returned and 300 were placed. They continue to monitor that park, they continue to feed the cats in the park and any new animals that show up are handled accordingly.

Councilwoman Benitez referred to Section 80-21b, sub-section b, the proposed ordinance indicates that a person or organization must register for a cat colony on or before January 1st and would like to amend the Ordinance to read December 31st for each calendar year. In addition to that, add “upon discovery of a new colony, it should be reported and registered within 30 days.”

Solicitor Pizzo indicated he will make it so that it reads “registered the existing feral cat colony on or before December 31st of each calendar year for the following year with the Animal Control Officer. Additionally, “any new colony registered during a calendar year must be registered within 30 days of discovery of the same.”

Councilwoman Benitez motioned to approve as amended, **Council Vice President Kisselback** seconded, and the motion carried 5-0.

6. **CONSIDERATION OF A RESOLUTION OPPOSING THE SALE OF BUCKS COUNTY WATER AND SEWER AUTHORITY'S ASSETS TO AQUA PENNSYLVANIA:**

Solicitor Pizzo indicated Bucks County Water and Sewer has been a client of his since 1991 and declined to comment for or against the Resolution.

Council President Knowles indicated the Resolution is stating that Bensalem Township, as a Council, are making a Resolution against the sale to Aqua. There are a lot of concerns and Council is willing to join the Bucks County Association of Township Officials to fight in preventing the sale occurring.

Council Vice President Kisselback indicated they are joining the Consortium and there will be a minimum cost of \$5,000 to fight the sale to the authority into a private for-profit entity as opposed to now presently being a non-profit. According to the samples they submitted, rates have increased quite substantively.

Council Vice President Kisselback motioned to approve as presented, **Councilwoman Champion** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONDEMNATION OF A PERMANENT RIGHT-OF-WAY OVER AND ACROSS PORTIONS OF CERTAIN REAL PROPERTY IDENTIFIED AS TMP 02-065-021:**

8. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONDEMNATION OF A PERMANENT RIGHT-OF-WAY OVER AND ACROSS PORTIONS OF CERTAIN REAL PROPERTY IDENTIFIED AS TMP 02-066-005:**

9. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONDEMNATION OF A PERMANENT RIGHT-OF-WAY OVER AND ACROSS PORTIONS OF CERTAIN REAL PROPERTY IDENTIFIED AS TMP 02-066-005-001:**

10. **CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONDEMNATION OF A PERMANENT RIGHT-OF-WAY OVER AND ACROSS PORTIONS OF CERTAIN REAL PROPERTY IDENTIFIED AS TMP 02-066-005-002:**

Solicitor Pizzo indicated the four Resolutions are identical in format and in content in that they are all Resolutions that would authorize the condemnation of permanent right-of-way over four different parcels of land for the future construction of Renaissance Boulevard. A road that was alluded to earlier this evening during discussion in the R-55 Riverfront Revitalization Zoning Ordinance. As is included in each of the four Resolutions, on December 22nd, 2015, the Township enacted and adopted several Ordinances associated with and in furtherance of, the Township's Riverfront Renaissance and redevelopment plans. Initiatives including, but not limited to Township Ordinance 2015-10 and 2015-13, Ordinance 2015-10 is the Bensalem 2018 Regulating Code Overlay District Ordinance, and 2015-13 created, established and depicted the Bensalem

Waterfront official map. The map shows the road that is described in these four Resolutions that are now being referred to as Renaissance Boulevard.

These Resolutions, if approved by Council, would authorize the condemnation of the right-of-way for the construction of the road on the four properties that are identified here on 2600 State Road, 2700 State Road, 400 Street Road, and 400A Street Road.

Mike Meginniss, affiliated with Begley Carlin, and on behalf of Johnson Development indicated that Johnson Development is the equitable owner of 2600 State Road. The condemnation that is in front of Council for consideration this evening would essentially condemn land to facilitate the construction of Renaissance Boulevard, in the area depicted with the red line on the plan illustrated on the screen. This basically bisects his client's property and then runs through a number of properties that are owned by John Grossi.

Mr. Meginniss would like to state, since the outset the Township has been very clear from the beginning that Renaissance Boulevard is a paramount concern. That was highlighted and reiterated the very first time Mr. Meginniss came in to discuss this project with the Township, which was before COVID, noting that is how long they have been under agreement and discussing this project with the Township.

They have gone through a number of iterations in an attempt to accommodate the development of the road in some form or fashion. Mr. Meginniss felt it important to state this because they are not here to disagree with the "why," they are here to disagree with the "how." Mr. Meginniss explained what he meant by that statement, and that is, they want Renaissance Boulevard. It is a great idea for the Johnson Development property and a great idea for the other industrial properties, as well as a great idea for Waterside and their residents.

What they do disagree with is, when you look at this from a cost-benefit standpoint, and you take what they are proposing and you weigh that on a scale against the action that Council is considering this evening; they just have a fundamental disagreement in the direction that scale turns out to weigh. Mr. Meginniss' client, Tripp Bailey, indicated earlier this evening, they are willing to commit \$5 million dollars for the construction of the road. They are also willing to provide the land to construct the road and they are willing to work with Mr. Grossi, as a condition of their approval. They are only seeking preliminary land development approval, which Mr. Meginniss believes to be an important distinction, because nothing he has stated precludes from Council taking action at a later date to condemn the land. The property owners who are primarily, almost exclusively, impacted by this are here this evening. The Township cannot say, well we're not sure if there is going to be an agreement, or if people are going to work with us, or if the property owners would consent to the land, the road and a particular iteration. They are here, they are consenting, they are making a very good faith effort to show their investment in this community and in this project.

The actions taken by Council years ago to reserve the rights of the road on the official map, while they actually disagree legally that the Township has rights at this point to the road on the map, it is essentially irrelevant if the Township is moving forward with the condemnation. The Township is authorized to condemn land, Mr. Meginniss is not here disputing that fact. What Mr. Meginniss is stating is that this is not some theoretical exercise. The property owners who are primarily, almost exclusively, impacted by this are in front of Council this evening.

There have been conversations with some other people, in Public Comment about the nature of the properties on this corridor and particularly on this side of State Road. Mr. Meginniss can speak personally to this property. It is deed restricted. It's environmentally contaminated. Mr. Meginniss described it, a long time ago now, with the Planning Commission as a gypsum dumping ground. The sorts of uses Mr. Meginniss is not in disagreement. In terms of other development along the State Road corridor, they're not feasible, on this property. This is the highest and best use for this property and the condemnation would essentially moot their development, or at least the development they have in front of Council for their consideration. The result of this, at a later date, presumably after this is litigated; his client and Mr. Grossi and the aggregate seek tens of millions of dollars for what they perceive to be the lost value with this road. There is going to be some other plan that is materially worse than the one in front of Council this evening.

Andrew Stoll, Counsel for the property owner for parcels identified in number 8, 9 and 10 on the agenda. His client submitted a Land Development application, and it came as no surprise the Township is now seeking to potentially move forward with condemning their land. His client has been willing to work together with the Township to come up with some type of resolution to make this work. Under Pennsylvania law you cannot take or condemn land for anything other than a public purpose and it cannot be used to stop a project; and that is exactly what is going on here. If Council is willing to move forward with this, and willing to condemn the land, his client has to assert his rights. Mr. Stoll asked Council to please reconsider this, just like Council reconsidered the R-55 Ordinance and make the right decision.

Tripp Bailey, Johnson Development, indicated Mr. Meginniss hit on all the high points that he wanted to discuss related to their site and what they are proposing. He hopes that Council's decision this evening not to vote on the Zoning Ordinance can open the door to a compromise and a solution, so that the private property owners are working with the Township to create some real change in this area. If Council feels they need to locate the road through the middle of their proposed development, their only course of action would be to pursue damages caused by that decision on their property that will be in excess of \$20 million dollars. Mr. Bailey believes his proposal is a much more feasible way to actually see this road come to a reality in the near future, rather than fighting with all of the property owners over the damages the condemnation would cost.

Tony Belfield, 2475 Greenland Court, indicated, when you look at the new alignment of the road in green, everything between that and I-95, for the most part, on the JDG property, and which is immediately behind the Johnson Development property, are wetlands. By putting the road where they have proposed they are separating two features. The wetlands to the north, and the developable high and dry land to the south. One thing Council may want to consider since comments have been made that the property owners are willing to donate that land, are stormwater management issues. The Township has the benefit of acquiring land at no cost to the Township, significant cash contributions to the cost of the road, and the ability to address the overall problem that the Township has there with stormwater management.

John Parsons, 775 American Drive, indicated through his business dealing with Tripp Bailey and the Johnson Development, if the Township were to grant Johnson Development the opportunity to do this, that they are people of their word and contribute to the community.

Seeing no one else come forward, the Public Comment portion was closed.

Council Vice President Kisselback, indicated he just couldn't believe that was the best design Johnson Development could come up with, by taking the road from the Johnson property to the other end. He didn't understand why they couldn't do better. He understands they do not want the Township to go through the center of the property, but that was the established route that was made available to Johnson Development when they came to Bensalem. To come up with a squiggly type of a design for a road, doesn't make sense.

Tripp Bailey indicated they are willing to work with the Township to come up with a solution that will work for both parties. The design displayed, maximizes the developable area on their property and it maximizes the developable area on John Grossi's property, which enables them to contribute \$5 million dollars towards the construction of the road. The further the road shifts into their project, the less they have the ability to contribute funds for the road construction.

They decided to take the approach of moving it to the edges of the developable area and offer the maximum amount of funds possible to the Township to make it a reality. He understands Council's concerns that on an aerial showing an area that is a mile long seems to have a lot of curves, but this is a huge area and those are very wide curves. Once it is built, as their Traffic Engineer testified, it will function in its intended purpose, which is to get the truck traffic off of State Road; and to use the proposed road to access Street Road. It is not going to be some windy, curving road once it is built. It is going to be a long road that does its intended purpose.

Councilwoman Champion asked the applicants' Traffic Engineer, Mr. Roth, if Mr. Tripp stated that it would not be as winding of a road she would like to know, in essence, are there a lot of truck related roads that are in this shape and form. Worries about the curves, and while they are harder than they will actually be in real life, the proposed road looks like a big snake. Concerns for EMS traveling the winding road and the truck traffic. Appreciated all of the comments from Mr. Belfield regarding the stormwater management, but to his point, Mr. Belfield is not a Traffic Engineer.

Mr. Roth, Traffic Engineer for Johnson Development, indicated the road is configured the way it is to maximize the development space. Once the design is refined a lot of those curves which appear to be what are called 90-degree curves, would look to be smoother and reduce those curves, and make it more of a meandering type roadway.

Councilwoman Champion asked why was this not necessarily presented to more attractive to Council. Asked Engineer Wursta if he had any comments or concerns about the presentation.

Township Engineer Wursta, indicated he clearly thinks there is absolutely no question the best alignment is the official map alignment. The way the applicant has presented it, is a makeshift road to fit in just to increase developable area, without regard to the movement of traffic. Could it work? A bicycle and a car could ride it, but it is not what you want to design, this is something the Township would never put forward as a design.

Donnie Zabinski, John Grossi's partner, indicated the plan displayed was put together with a previous developer and that development fell apart. They started to work with Johnson, this was that development's project. They are willing to sit down with the Township and discuss different

solutions. Stated, he is an expert regarding trucks and you do not want a straight road for trucks to travel on, it is too dangerous.

Solicitor Pizzo indicated the Administration has had plans and been prepared to move forward with the condemnation Resolutions since the end of last year, the beginning of this year. To the extent we have heard this evening, the people who are asking for the opportunity to just see if they could work something out; these Resolutions have stayed in a drawer while the Township has given the opportunity to the two property owners involved to work things out.

The Johnson Land Development application has been tabled numerous times, almost month by month. The Township was continuing to afford the two landowners to be involved and to work with the Township to see if an alternate design for the road could be reached. What is on the screen is the last best proposal this Township has received and that was several month ago. It is designed to optimize the development of those two properties. Mr. Pizzo pointed out on the graphic that Renaissance Boulevard is but one road on the map, in what are a series of roads that were approved by this Council in 2015 at the time of the adoption of the official waterfront map. The design is certainly to help take truck traffic off of State Road, there is no question, but it is also part of an overall design of roads. Designed to help spur commercial, non-residential development on the west side of State Road, similar to the Broken Goblet; which is located within one of those blocks, encouraging restaurant, shop and nightlife kinds of uses that would supplement residential development on the east side of State Road. The design is not simply to take trucks off, it is an important feature, but it is also a part of what you can see is a series of roads designed to make for smaller parcels, that would lead to the development of that area consistent with what has been discussed for several hours. The vision for the Riverfront.

As Mr. Meginniss indicated earlier during his presentation, there is some disagreement between Johnson Development and the Township as to what the Township's rights are vis-à-vis that road, and the adoption of the official map. There is no question what the Township's rights are should Council move to condemn the road as laid out on the Township map. That is why the Resolutions have been brought forward to Council this evening. It's been alluded to that the Township is just "willy-nilly" proceeding. The Township has met with them all several times during the pendency of this situation.

The Mayor indicated, in order to set the record straight, that the Mayor spoke to Crow three weeks ago to try and make a better plan and move it back over State Road, make it look better. They were supposed to get back to the Mayor, but the Mayor never heard from them.

Mr. Meginniss indicated the primary directive from their perception was to make sure the area not shaded white, basically hewed as close to the prior iteration of Renaissance Boulevard as possible. The reconfiguration of the road substantively is only over these two pieces. It would have no negative detrimental effect to mixed use or other uses to the south or to the north. The only jog in the road is over the two pieces of land that are discussed.

Solicitor Pizzo indicated Mr. Grossi testified, and the map shows, that the Grossi property to the south of Johnson Development has the road in a different location than is shown on the official map.

Seeing no one else come forward, again, the Public Comment portion was closed.

Solicitor Pizzo indicated agenda items 7, 8, 9 and 10 which are the four condemnation Resolutions have all been dealt with this evening as part of the single presentation. There was comment from the public on all four during one public comment session, as well as the earlier conversations on R-55. If Council is of the mind to take the same action on all four Resolutions, Council can do all four at once.

Council Vice President Kisselback motioned to approve all four Resolutions, Councilwoman Benitez seconded and the motion carried 4-1-0.

11. CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR ST. CHARLES BORROMEO EVENT DATE OF AUGUST 28TH, 2022, LOCATED AT 2913 STREET ROAD, BENSALEM, PA:

Solicitor Pizzo indicated the Township has received an application for the reduction of fees regarding the Latino Festival being held on August 28th, 2022 at the Our Lady of Fatima site. They are requesting a waiver of the \$100 mobile food vender event permit fee, and requesting a waiver of the obligation to provide the Township with a bond for the event. The application is consistent with those that the Township routinely receives for these types of events from this type of an applicant and is acceptable for Council's consideration.

There is also a \$300 fee as well that they are looking to have reduced, the \$300 fee reduced to \$150 and \$100 fee reduced to \$50. Again, that is consistent with prior Township practice and a waiver of the bond.

Councilwoman Benitez motioned to approve, **Councilwoman Champion** seconded and the motion carried 5-0.

12. CONSIDERATION OF A PRELIMINARY LAND DEVELOPMENT FOR:

Applicant:	Johnson Development Associates, Inc.
Location:	2600 State Road
Proposed Use:	Warehouse/Distribution
Zoning Classification:	R-55 - Riverfront Revitalization District
Tax Parcel:	2-65-21

Solicitor Meginniss indicated in light of the condemnation, which essentially at this point of time moots the development, it would be prudent on the applicant's part to request a tabling with an additional MPC extension granting through to the September 27th Council meeting.

Council Vice President Kisselback motioned to table agenda item 12 to a date certain of September 27th, 2022, **Councilwoman Champion** seconded and the motion carried 5-0.

13. PUBLIC COMMENT:

William Markham, 3621 Valley Meadows Drive, thanked Council for passing the Resolution opposing the sale of the Bucks County Water and Sewer Authority to Aqua.

Seeing no one else come forward, the second Public Comment portion was closed.

14. **OTHER BUSINESS:**

The Mayor wished everyone a great Labor Day weekend to all the laborers and especially to those who work for the Township.

Solicitor Pizzo echoed the Mayor's sentiments and wished everyone a Happy Labor Day.

Councilwoman Benítez wished Alex a Happy Retirement from Bella Maria. Thanked Christine King for her heroic actions with the situation on I-95 and thanked the Mayor for recognizing Mrs. King. Spoke about the Grange Fair and what a wonderful event, and if anyone missed it they should attend next year's event. School is starting and be on the lookout for the school buses because you are now on camera. Thank you! Bensalem Police Department and the Bensalem School District, for coordinating those efforts. Everybody stay safe and wished the school children a good year.

Councilwoman Champion wished everyone a Happy Labor Day and to drive safe to where they are going. Thanked all the union workers who have labored for all these years. Thanked Mrs. King for her heroic actions.

Council Vice President Kisselback thanked Christine King and believes the Lord had given her the strength during her encounter, and is an example to all of us. God Bless Mrs. King and her family and everything she will do in the future. Happy Labor Day.

Council President Knowles wished everyone a Happy Labor Day, enjoy the end of the summer and be safe.

12. **ADJOURNMENT:**

There being no other business to discuss, the meeting was adjourned.

The Bensalem Township Council Meeting of August 22nd, 2022 can be viewed in its entirety at the following websites:

www.bensalempa.gov or www.youtube.com

Respectfully Submitted,

Debora F. McBreen
Recording Secretary